

Solid Waste Advisory Committee Meeting Summary November 15, 2005

General Updates

The MassDEP Northeast Region Office (NERO) has moved back to Wilmington, effective November 14, 2005. The new NERO contact information is as follows:

205 B Lowell Street, Wilmington, MA 01887, (978) 694-2300

MassDEP is in the process of hiring for a number of positions, including a Regional Planner position within the Waste and Toxics Planning branch that closes on November 29, 2005. For information on this and other MassDEP positions, please check the MassDEP web site at: <http://mass.gov/dep/about/employment/hire.htm>.

Draft Solid Waste Master Plan Revisions – Public Hearing Comments

The public comment period for MassDEP's Solid Waste Master Plan Revision Public Hearing Draft closed on November 4, 2005. During the public comment period, MassDEP held five public hearings. MassDEP received a total of about 40 oral comments and about 40 sets of written comments on the Draft Revision.

MassDEP is now reviewing all submitted comments and beginning to develop a Response to Comments document and to consider changes for the Final Plan. It is expected that the final draft of this document, along with the final Plan Revision, will be completed by late winter.

John Fischer presented a preliminary overview of the public comments received on the Public Hearing Draft.

Broad Comments

- Support for overall plan goals including aggressive waste reduction/recycling goals
- Concern about projected net export of waste and the need to increase recycling (even beyond proposed goals)
- MassDEP should do more to protect public health and the environment from the impacts of solid waste facilities
- Solid waste management should be made more local (rather than large regional facilities) with each town taking greater responsibility for its own waste

MWC Moratorium

- Extensive comments for and against the moratorium
- Also support for moratorium on new landfill capacity
- Comments in support of MWC moratorium:
 - Important for reducing mercury emissions and associated health impacts
 - Consistent with zero mercury action plan
 - Also need to address other chemicals of concern – lead, dioxins, furans
 - Should also focus on improved monitoring of these facilities
 - Need to do better job of controlling and monitoring ash
- Comments against MWC moratorium:

- Should be lifted
- Not appropriate mechanism, should rely on existing site assignment and permitting controls
- Should allow new facilities that meet health based, performance requirements for emissions
- New 2004 data show that MWCs no longer the largest source of mercury emissions in Massachusetts
- Not appropriate to focus on a single environmental issue – MWCs are better than other waste management options for greenhouse gas emissions, energy savings, and other important environmental issues
- Emissions will further decrease as mercury is phased out of products
- MassDEP should proactively support promising new waste management technologies, but the moratorium may stand in the way of those.

C&D and Potential New Waste Ban Materials

- Comments for and against C&D ban – concerns raised about outlets for wood, including recent problems with the Cottage Street landfill closure in Springfield and concerns over using C&D wood at biomass facilities
- Concern with banning commercial food waste because of concerns about operational problems of large composting/organics processing facilities and lack of infrastructure
- Concern about using C&D and contaminated soils in landfill closures in Zone II areas

Waste Ban Enforcement

- Broad support for extending waste ban enforcement to haulers and generators
- Essential for recycling rates to increase, especially for businesses
- Concerns about uncertainty regarding how enforcement would be implemented – e.g., concern about inspecting dumpsters, etc.

Toxicity Reduction/Product Stewardship

- Need greater emphasis on producer responsibility for products – especially for reducing toxicity of products, but also for making products more easily recyclable and reducing packaging
- Particular comments on products containing mercury

Recycling Strategies

- Support for recycling strategies and goals – comment that 56% recycling goal should be increased to 63% to eliminate net export of waste without building new landfills
- Should not rely solely on strong recycling markets as reason to increase recycling since markets are cyclical

Pay-As-You-Throw (PAYT)

- Broad support for PAYT programs and encouragement for MassDEP to do more to promote PAYT
- Support for a combination of PAYT and mandatory recycling

Expanded Bottle Bill

- Support for an expanded bottle bill – especially for single-serve containers consumed away from home.

Composting Issues

- Support for increased organics diversion, though some concerns were raised about the potential impacts of large-scale composting facilities, including greenhouse gas emissions.

Comments from SWAC attendees included:

- Problems with inactive landfill closures, particularly Cottage Street in Springfield, combined with limitations on using C&D wood as fuel, have limited outlets for C&D processors. MassDEP should more closely examine management capacity for these C&D materials and develop strategies to support new short-term and long-term outlets for these materials.
- The state should develop capacity and materials handling strategies to safely manage large amounts of bio-hazardous waste during a pandemic event.
- MassDEP should maintain flexibility to use different waste management technologies, either municipal waste combustors or other technologies, and not close off alternatives in the event that out of state disposal options are reduced, MWCs significantly reduce mercury emissions, or other important variables change.
- There should be a mechanism for haulers to hold municipalities accountable for disposal of banned materials
- There need to be clear standards for reuse of bio-solids.

New Mass DEP Website

Tom Higgins demonstrated the new MassDEP website (www.mass.gov/dep) and gave an overview of the changes made to the site. The new website is designed to be more user friendly and fulfill the needs of the site visitors; therefore the site has been arranged primarily by media and environmental subjects rather than by department divisions and programs. Attendee comments on the new website were generally positive. They provided several suggestions for continued development and improvement of the website including:

- Providing streaming video and/or audio of training sessions and meetings, permit requirements and procedures, etc.;
- Making available complete facility enforcement information through case completion, as done by US EPA; and
- Providing internal page navigation buttons to more easily move around within longer pages.

SWAC attendees were encouraged to continue to provide feedback on the new format and organization of MassDEP's website. All comments should be forwarded to Tom Higgins at (617) 292-5587, or by e-mail at thomas.higgins@state.ma.us.

Solid Waste Permitting Regulations and Guidance – Next Steps for Implementation

Paul Emond and John Fischer presented a brief overview of the status of solid waste regulations and guidance and next steps that MassDEP is planning for implementing these. The revised solid waste permitting regulations (310 CMR 19.000) were promulgated on October 7, 2005. Official copies of the regulations are currently available through the Statehouse bookstore. Please note that the initial published revision omitted pages from 19.051. These pages were inserted in a revised version on November 4, so that current copies of the regulations are complete. An unofficial copy of the regulations is expected to be available on the MassDEP web site sometime next week.

MassDEP also is working on completing several related guidance documents. The revised waste ban guidance and facility impact assessment guidance are expected to be completed in December and will be posted on the web as soon as they are finalized. MassDEP also is working on finalizing the guidance document on Beneficial Use Determinations (BUDs), which we expect to publish in early 2006. MassDEP also will be revising its Landfill Technical Guidance Manual during the first half of 2006.

MassDEP is planning two sets of training sessions on these regulations and guidance for the regulated community. In mid-January, MassDEP will hold four - five training sessions on the waste ban requirements and other regulation changes, with the exception of BUDs. Training on the new BUD requirements will be provided later in the winter, once the BUD guidance has been published.

As documents are finalized and training dates are set, MassDEP will post this information on the web site and send notices to the SWAC email list and regulated facilities. MassDEP will send out a series of notices over the next several months, including:

- Official notification regarding the promulgation of the new regulations of 310 CMR 19.000;
- Notification of the final waste ban guidance document and training sessions on waste ban requirements and other regulation changes to be held in January 2006; and
- Notification of the final BUD guidance document and BUD training sessions to be held in late winter 2006.

MassDEP also will be sending out information shortly on several related initiatives, including waste ban hauler and generator enforcement and municipal Department Approved Recycling Program (DARP) criteria. MassDEP plans to send letters on waste ban enforcement to solid waste facilities sometime in December, with enclosed information for facilities to distribute to their hauler customers. MassDEP also will be working with business trade associations to distribute information to their members through newsletter articles on what they need to do to comply with the waste bans. Attendees suggested that, as part of this outreach, MassDEP should contact legislators to explain the purpose and rationale for this enforcement so that they are prepared if they hear concerns from their constituents. Attendees also suggested that MassDEP publish these enforcement actions to spread the word about the need for businesses to comply.

In December, MassDEP plans to announce revised DARP criteria that will take effect in July 2006 for a two-year period. Municipalities that meet these criteria will be exempt from comprehensive waste ban inspections.

For questions concerning the regulations or proposed guidance documents, please contact Paul Emond at (617) 292-5974, or by e-mail at paul.emond@state.ma.us. For questions on waste ban hauler and generator enforcement, please contact John Fischer at (617) 292-5632 or john.fischer@state.ma.us. For questions on DARP criteria, please contact John Crisley at (617) 556-1021 or john.crisley@state.ma.us.

Meeting Handouts and Presentations

- Meeting Agenda

Next SWAC Meeting

The next SWAC Meeting is scheduled for Thursday January 26, 2006, from 1:00 p.m. to 3:00 p.m. at MassDEP, One Winter Street, Boston, MA.